

Appl. No. 09/753,226  
Amdt. Dated 06/24/2004  
Reply to Office Action of March 24, 2004

### **REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action mailed March 24, 2004. In the Office Action, claims 5 and 12 were objected to due to informalities; claims 1, 6, 8, and 17 were rejected under 35 U.S.C. §102(b); and claims 2-4, 7, 9-13, 15, 16, 18-19, and 20 were rejected under 35 U.S.C. §103(a). Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Claims 1-10, 12, 14-21 are pending in this application. Claims 11 and 13 have been canceled. Claim 21 has been added.

#### ***Claim Objections***

Claims 5 and 12 were objected to due to informalities. In response, claims 5 and 12 have been revised in general accordance with the suggestions set forth in the Office Action. Withdrawal of the objection of claims 5 and 12 is respectfully requested.

#### ***Allowable Subject Matter***

Applicants note with appreciation the Examiner's indication of allowable subject matter. Claims 5 and 14 have been objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form. Thus, Applicants have placed claims 5 and 14 into independent form. Claim 5 includes the limitations of original claim 1 while claim 14 includes the limitations of original claims 11 and 13 only. Applicants respectfully request that independent claims 5 and 14 and all claims that depend therefrom are in condition for allowance.

#### ***Rejection Under 35 U.S.C. § 102***

Claims 1, 6, 8, and 17 were rejected under 35 U.S.C. §102(b) as being anticipated by Hershey (U.S. Patent 5,481,535). Applicants respectfully traverse the rejection because a *prima facie* case of obviousness has not been established.

As the Examiner is aware, to anticipate a claim under 35 U.S.C. §102(b), Hershey must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claim 1 includes the limitation of "receiving a data frame from the destination device in response to the destination device receiving the cast frame for acknowledgement of receipt of the cast frame." Emphasis added. This limitation is not taught by listening for acknowledgement signals set forth in Hershey (column 6, lines 6-11; element 41 of FIG. 3A). In fact, Hershey teaches away from the claimed invention because it teaches the use of acknowledgement signals, which are effectively ACK frames and in accordance with the teachings of conventional communication technique set forth on page 2, lines 1-3 of the subject application.

Appl. No. 09/753,226  
Amdt. Dated 06/24/2004  
Reply to Office Action of March 24, 2004

With respect to dependent claim 6, Applicants incorporate by reference the arguments set forth with respect to claim 1.

With respect to independent claim 8, Hershey does not teach (1) translating the cast frame into a plurality of unicast frames or (2) transmitting each of the plurality of unicast frames to a corresponding plurality of destination devices. As set forth on column 6, line 6 of Hershey, the message packets are *broadcast* from the transceiver to *all transceivers capable of receiving the data transmission*. Emphasis added. Hence, Hershey does not teach the translation of a cast frame, such as a broadcast frame or multicast frame, into a plurality of unicast frames as claimed.

Independent claim 17 has been amended to include limitations generally set forth in original claim 4 and objected claim 5. Further discussions on the grounds for traverse are moot in light of these amendments.

Based on the foregoing, Applicants respectfully request withdrawal of the §102(b) rejection.

### *Rejection Under 35 U.S.C. § 103*

Claims 2-4, 7, 9-13, 15, 16 and 18-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hershey in view of IEEE 802.11 (Chapter 7). Moreover, claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hershey. Applicants respectfully disagree with the rejection because a *prima facie* case of obviousness has not been established. When evaluating a claim for determining obviousness, *all* limitations of the claim must be evaluated. See *In re Fine*, 873 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988) (Emphasis added).

With respect to independent claim 1 upon which claims 2-4 and 7 depend, Applicants respectfully submit that the limitation of "receiving a data frame from the destination device in response to the destination device receiving the cast frame for acknowledgement of receipt of the cast frame" is not suggested by the combined teachings of Hershey and IEEE 802.11. In contrast, Hershey teaches away from the claimed invention because it teaches the use of acknowledgement signals (ACK frames), not data frames as claimed. While IEEE 802.11 may discuss different formations associated with a cast frame, the combination of these teachings does not teach or even suggest receiving a *data frame* to acknowledge receipt of the cast frame as set forth in claim 1.

With respect to claim 8 upon which claims 9 and 10 depend, neither Hershey nor IEEE 802.11, alone or in combination, suggests "translating the cast frame into a plurality of unicast frames." Rather, as set forth on column 6, line 6 of Hershey, a *broadcast* transmission is conducted for packets to all transceivers capable of receiving the data transmission. IEEE 802.11 simply identifies that the broadcast transmission may be a cast frame. As a result, the combined teachings of Hershey and IEEE 802.11 teaches away from the claimed invention because they teach the broadcast transmission of the cast frame itself and not the translation of the cast frame into a plurality of unicast frames for subsequent transmission as claimed.

Appl. No. 09/753,226  
Amdt. Dated 06/24/2004  
Reply to Office Action of March 24, 2004

Claims 11 and 13 have been cancelled. Dependent claims 12, 15 and 16 now depend on rewritten claim 14.

With respect to claim 17 (upon which claims 18 and 19 depend) and claim 20, these claims have been amended to include limitations generally set forth in original claim 4 and objected, allowable claim 5.

Based on the foregoing, Applicants respectfully request withdrawal of the §103(a) rejection.

**Conclusion**

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 06/24/2004

By

  
William W. Schaal

Reg. No. 39,018

Tel.: (714) 557-3800 (Pacific Coast)

**Attachments**

12400 Wilshire Boulevard, Seventh Floor  
Los Angeles, California 90025

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.84)**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

☐ deposited with the United States Postal Service  
as first class mail in an envelope addressed to:  
Commissioner for Patents, PO Box 1450,  
Alexandria, VA 22313-1450.

Date: 06/24/2004

**FACSIMILE**

☒ transmitted by facsimile to the Patent and  
Trademark Office.

  
Susan McFarlane

06/24/2004

Date